

Patent Application: 09/682,839
Docket No: P15282US

Remarks

Claims 1, 5, 7, 11, 15, and 22 have been amended for correcting various minor inaccuracies in the claims without prejudice to the Applicants.

Oath/Declaration

Examiner contended that the oath or declaration is defective.

Applicants respectfully traverse.

Applicants have electronically filed the present patent application with the USPTO, including the Declaration, which according to the Applicants file appears to be adequate, complete, and signed by each one of the four inventors.

Applicants also hearing include a copy of the original Declaration as filed for the Examiner's review. Is the Examiner finds deficiencies in the present Declaration, the Examiner is kindly invited to notify the Applicants of those deficiencies so that appropriate actions can be taken in order to correct them.

Claims Objections:

Claims 5 and 15 stand objected for comprising inconsistent terminology/antecedents.

Responsive to the Examiner's rejection, Applicant has amended claims 5 and 15 for replacing the term "SIP terminal" with the term "content provider", which is consistent with the independent claims' terminology. Withdrawal of the present rejection is therefore respectfully requested.

Claims Rejections: 35 U.S.C. §103

Claims 1-24 stand rejected under section 103 of 35 U.S.C. for being allegedly anticipated by Desrochers et al. in view of Stahl (US Patent Application Publication 2002/0161793).

Applicants respectfully traverse.

Claim 1 is directed to a method of performing program-on-demand from a Session Initiation Protocol (SIP) terminal, the method comprising the steps of:

a) receiving a program request by the service provider, the program request comprising a program list including a plurality of selected programs;

b) responsive to a receipt of the program request, determining in the service provider a content provider storing a first program (P1) from the plurality of selected programs; and

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c) the service provider establishing a first SIP session between the SIP terminal and the content provider storing the first program P1 for streaming the first program P1 over the first SIP session from the content provider storing the first program P1 to the SIP terminal.

Desrochers et al. teaches a SIP mechanism for establishing a SIP-based wake-up call between a SIP client and a SIP media player. In Desrochers et al., PARLAY signaling is used between application logic and a PARLAY/SIP Proxy Server, while SIP signaling is used between the former and the SIP client and the media player. The application logic invites both the SIP client and the media player into a SIP session. During the session, which consists in the wake-up call, an RTP stream of data is sent from the media player to the client, thus "waking-up" the user of the SIP client.

The teaching of Desrochers et al. is thus limited to sending from an application a SIP request for one given service, i.e. the wake-up call, in order to establish a SIP session for transferring information from one single server, i.e. the media player, toward the SIP client. Therefore, as the Examiner also substantiates at page 4 of the outstanding Office action, Desrochers et al. fails to disclose issuance of a program request comprising a program list with a plurality of selected programs, and determining in a service provider the content provider that stores the first program from the plurality of selected programs.

Stahl teaches a new reference tag used as an extension to the HTTP language for referencing an item, such as a picture or photography, which is exchanged using an HTTP request. The presence of the HTTP reference tag in the HTTP request allows for the sole download of the item associated with the reference tag, rather than for the download of a complete HTTP page containing the item. Therefore, Stahl's teaching is limited to the selective retrieval of pictures or photography embedded in HTTP web pages, based, for example, on the time and date of an update of such items.

Particularly with reference to Fig. 6 and associated Description at par. 66-67, Stahl teaches an application program 110 that comprises a local list 64 with identities of a number of documents accessible by at least two contents servers 112. The application program consults the local list 64, and transmits individual requests for information 67a and 67b for obtaining information from the servers 112a and 112b. In Stahl, the list of information available from the servers is stored locally at the Initiator of the requests, i.e. in the application program 110. For these reasons, Stahl's fails to teach or suggest as alleged in the outstanding Office action, sending the program request comprising the program list including the plurality of selected programs to the service provider, as claimed by the Applicants.

Therefore, because Stahl's teaching fails to suggest and the use of a transmission of list containing a variety of requested programs, Stahl's cannot be said to render obvious Applicants claimed invention.

The Examiner's attention is further drawn to the fact that both cited references, i.e. both Desrochers et al. and Stahl comprise no source of motivation for an eventual combination therebetween, and that in order to sustain a proper rejection based on 35 USC. §103, there **must be a reasonable motivation** within the cited references for one skilled in the art to combine the prior art references in order to achieve the invention.

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Because Desrochers et al. merely describes a single user case for using SIP in order to establish a wake-up call between a media player a SIP client, Desrochers cannot be said to contain any motivation for an extension thereof that would include the use of Stahl's new HTTP reference tag for retrieving selective items from HTTP web pages stored in various servers. Consequently, it can be said, that Desrochers et al. comprises no motivation that could have lead one skilled in the art to combine Desrochers with Stahl.

Likewise, Stahl's disclosure describes selective retrieval of items from HTTP web pages. Stahl contains no indication of a motivation to combine the disclosed system with Desrochers' user case scenario for establishing a SIP-based wake-up call. One would find no motivation based on Stahl's selective retrieval of pictures and photography to extend the system toward a mere and different wake-up call scenario using SIP.

Finally, even combining the two references, their combination fails to disclose, as mentioned hereinbefore, the Applicants claimed elements of receiving a program request by the service provider, the program request comprising a program list including a plurality of selected programs, and responsive to the receipt of the program request, determining in the service provider a content provider storing a first program (P1) from the plurality of selected programs.

Therefore, Applicant respectfully submits that claim 1 is novel and nonobvious, and thus patentable over the teaching of Desrochers et al. in view of Stahl.

Claims 2-10 are dependent of claim 1, and since they merely add further limitations and clarifications thereto, they are believed to be patentable as well.

Claim 11 is an independent claim having limitations similar to those of claim 1, and is therefore submitted as being patentable for the same reasons.

Claims 12-21 are dependent of claim 11, and since they merely add further limitations and clarifications thereto, they are believed to be patentable as well.

Finally, claim 22 is another independent claim with limitations similar to those of claim 1, and is therefore submitted as being patentable too, while claims 23-24 depend upon claim 1 and because it only adds further limitations and clarifications, it is patentable as well.

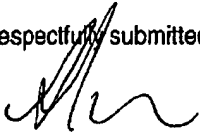
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Conclusion

All pending claims 1-24 are herein submitted as being in favorable condition for allowance.

5 In the Examiner finds out that a prosecution of the present invention would be facilitated by telephone interview, the Examiner is invited to contact the undersigned, Alex Nicolaescu, at telephone number (514) 345- 7900 extension number 2596.

10 Respectfully submitted,



Alex Nicolaescu

May 17, 2004

15 USPTO Reg. Number 47,253